

United States Court of Appeals
FOR THE EIGHTH CIRCUIT

No. 01-3018

Ronald H. Brewster,

Appellant,

v.

Marvin D. Morrison,

Appellee.

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* Appeal from the United States

* District Court for the

* Eastern District of Arkansas.

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* [UNPUBLISHED]

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Submitted: November 23, 2001

Filed: November 29, 2001

Before HANSEN, MORRIS SHEPPARD ARNOLD, and BYE, Circuit Judges.

PER CURIAM.

Federal inmate Ronald H. Brewster appeals from the district court's¹ dismissal of his 28 U.S.C. § 2241 petition, in which he argued that his 168-month sentence for conspiring to distribute cocaine base is invalid under Apprendi v. New Jersey, 530 U.S. 466 (2000). Having conducted careful de novo review, see United States v.

¹The Honorable Susan Webber Wright, Chief Judge, United States District Court for the Eastern District of Arkansas, adopting the report and recommendation of the Honorable Henry L. Jones, Jr., United States Magistrate Judge for the Eastern District of Arkansas.

Lurie, 207 F.3d 1075, 1076 (8th Cir. 2000), we agree with the district court that habeas relief was not warranted: not only did Brewster fail to show that a motion under 28 U.S.C. § 2255 was inadequate or ineffective to test the legality of his detention, but his arguments are foreclosed under United States v. Moss, 252 F.3d 993, 1001 (8th Cir. 2001), and United States v. Aguayo-Delgado, 220 F.3d 926, 933 (8th Cir.), cert. denied, 531 U.S. 1026 (2000).

Accordingly, we affirm. See 8th Cir. R. 47B.

A true copy.

Attest:

CLERK, U.S. COURT OF APPEALS, EIGHTH CIRCUIT.